

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ELIZABETH FALCONI,

Plaintiff(s),

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant(s).

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Case Number: 1:08cv622

Chief Judge Susan J. Dlott

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Timothy S. Black filed on October 15, 2009 (Doc. 15), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired October 28, 2009, hereby ADOPTS said Report and Recommendation.

Accordingly, it is **ORDERED** that the decision of the Commissioner to deny Plaintiff DIB benefits is **REVERSED**, and this matter is **REMANDED** under sentence four of 42 U.S.C. § 405(g).

On remand, the Commissioner will obtain testimony and evaluation from a medical expert in order to re-evaluate the weight to be given to the opinions of Dr. Tepe and Dr. Moss, and to provide an accurate RFC assessment. The medical expert will examine Plaintiff and review all of her medical records. Additionally, the medical expert will evaluate whether Plaintiff's limitations will prevent her from working on a sustained basis.

IT IS SO ORDERED.

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s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court